

REMARKS

Claims 1-8, 10-19, 21-28, 30-37, 39, 40, 42-63, 65-71, 73-79, 81-87, 89-113, and 118 are currently pending in the Application. By this amendment, Applicants amend claims 1, 8, 14, 23, 32, 37, 42-44, 89-98 and 101-103, and cancel claims 99 and 100.

In the Final Office Action, the Examiner: (1) rejects claims 14-19, 21, 22, 42-43, 48-50, 65-71, 89-91, 96 and 101-113* under 35 U.S.C. § 101 as being related to non-statutory subject matter; and (2) rejects claims 1-5, 7, 8, 10-19, 21-28, 30-37, 39-40, 42-63, 65-71, 73-79, 81-87, 89-98, 101-113 and 118 under 35 U.S.C. § 103(a) as being unpatentable over O'Neil et al. (U.S. Pat. No. 5,987,440) in view of Goldhaber et al. (U.S. Pat. No. 5,855,008), Stefik et al. (U.S. Patent No. 6,236,971),** and further in view of the Examiner's Official Notice.

In light of the above amendments and based on the following remarks, Applicant traverses each of these rejections.

I. The interview conducted January 11, 2005

Applicants wish to thank Supervisory Examiner Weiss and Examiner Borissov for the courtesies extended during the interview held on January 11, 2005, with Applicants' representative. The substance of the interview is discussed below.

* Claims 20, 72 and 115 are also listed as being rejected under 35 U.S.C. § 101. However, these claims were cancelled by the Amendment dated August 13, 2004. Accordingly, the listing of claims 20, 72 and 115 is believed to have been a typographical error.

** Although Stefik et al. is not listed in the statement of rejection on page 6, lines 9-12, of the Final Office Action, it is relied upon in the body of the rejection, on page 7, lines 8-14.

II. The finality of the Office Action dated October 5, 2004

During the interview conducted January 11, 2005, Applicants' representative argued that the finality of the Office Action dated October 5, 2004, was improper because it included a new ground of rejection. In response, Examiners Weiss and Borissov agreed that "the finality of the last Office Action will be withdrawn." *Interview Summary dated January 11, 2005*. Accordingly, Applicants respectfully request that the finality of the Office Action dated October 5, 2004, be withdrawn.

III. Claim Rejections – 35 U.S.C. § 101

Claims 14-19, 21, 22, 42-43, 48-50, 65-71, 89-91, 96 and 99-113 are rejected under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter. During the interview conducted January 11, 2005, Applicants' representative proposed amendments to claims 14, 42, 43, 89 and 96, and argued that, in light of these amendments, claims 14-19, 21, 22, 42-43, 48-50, 65-71, 89-91, 96 and 99-113 are drawn to statutory subject matter. In response, Examiners Weiss and Borissov agreed that "the proposed amendments overcome [the] 35 U.S.C. § 101 claim rejections." *Interview Summary dated January 11, 2005*.

Applicants have included the proposed amendments to claims 14, 42, 43, 89 and 96 in this amendment. Accordingly, Applicants respectfully request that the rejection of claims 14-19, 21, 22, 42-43, 48-50, 65-71, 89-91, 96 and 99-113 under 35 U.S.C. § 101 be withdrawn and the claims allowed.

IV. Claim Rejections – 35 U.S.C. §103(a)

Claims 1-5, 7, 8, 10-19, 21-28, 30-37, 39-40, 42-63, 65-71, 73-79, 81-87, 89-98, 101-113 and 118 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neil et al., Goldhaber et al., Stefik et al. and the Examiner's Official Notice. During the interview conducted January 11, 2005, Examiners Weiss and Borissov agreed that the prior art did not teach a fee schedule that declines until the user's information is updated, or a fee schedule that declines until the user's information is verified. See *Interview Summary dated January 11, 2005*.

Without acquiescing to the propriety of the previous rejection and solely for the purpose of advancing prosecution of this application, Applicants have amended claims independent claims 1, 14, 23, 32, 43, 44, 89, 92 and 95-98 to include subject matter which the Examiners indicated to be allowable. Specifically, claims 14, 23, 32, 89, 92 and 96-98 have been amended to recite, "the licensing fee schedule is a declining fee schedule such that a licensing fee paid to a user declines until at least one of: (a) the user's consumer information has been updated, or (b) the user's consumer information has been verified." Claims 1, 42-44 and 95 have been amended to contain similar recitations.

For at least these reasons, Applicants submit that independent claims 1, 14, 23, 32, 43, 44, 89, 92 and 95-98 contain allowable subject matter as agreed at the interview conducted January 11, 2005. Accordingly, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Further, independent claim 42 recites, “one of the set of payment rules includes paying the user for purchasing a product or service from one of the subscribers.” In the rejection, the Examiner asserts that Goldhaber et al. teaches “providing a payment to the consumers in exchange [for] interaction with the merchandiser’s advertising” and alleges that this teaching “obviously indicates purchasing (*interaction*) [the] merchandiser’s product or service.” *Final Office Action*, p. 10, ll. 117-20. However, Applicants respectfully disagree.

Goldhaber et al. discloses paying a consumer after the customer interacts with the information, thereby evidencing that she has paid attention to it. Goldhaber et al., col. 10 ll. 52-55. Contrary to the Examiner’s assertions, a consumer who merely pays attention to advertising does not thereby “purchase a product or service.” Moreover, O’Neil et al. is not relied upon to teach, and does not teach, this deficiency of Goldhaber et al. Accordingly, for at least these additional reasons, the rejection of claim 42 is unsupported by O’Neil et al. and Goldhaber et al., whether taken alone or in combination, and Applicants respectfully request that the rejection of claim 42 be withdrawn and the claims allowed.

Moreover, claim 95 recites, “the user’s response includes authorization to access information about the at least one potential user from a third party source of user information.” Claims 96-98 include recitations similar to those in claim 95. The Examiner relies on O’Neil et al. as teaching that “[the] user can assign access rules determining who gets access to each item of personal information, thereby maintain[ing] command and control on third party dissemination and processing of the information.”

Final Office Action, p. 10, ll. 24-27. However, Applicants respectfully disagree with the Examiner's characterization of O'Neil et al.

The access rules cited by the Examiner control access only to information held within the E-Metro Community taught by O'Neil et al. That is, this disclosure of O'Neil et al. provides authorization to access the user's information in the E-Metro Community *by* a third party. It does not teach "authorization to access information ... *from a third party source of user information*," as recited in claim 95 (emphasis added). Therefore, for at least these additional reasons, the rejection of claims 95-98 is unsupported by the art relied upon and Applicants respectfully request that the rejection of these claims be withdrawn and the claims allowed.

Claims 2-8, 10-13, 15-19, 21, 22, 24-28, 30, 31, 33-37, 39, 40, 45-63, 65-71, 73-79, 81-87, 90, 91, 93, 94, 101-113 and 118 depend, directly or indirectly, from one of claims 1, 14, 23, 32, 42, 43, 89 and 92. Accordingly, these claims are allowable for at least the reason that they depend from an allowable claim, and Applicants respectfully request that the rejection of these claims be withdrawn and the claims allowed.

In addition, claims 6, 18, 27, 36 and 104 recite, "setting the licensing fee schedule such that a contributing user receives a percentage of funds received from subscribers for licensing the personal information related to that user." The Examiner alleges that O'Neil et al. teaches "paying the individual a fixed amount received by the system ... which obviously indicates receiving a fixed percentage of all amounts received by an operator of the system from licensing the personal information of the user." However, as pointed out in the response filed February 18, 2004, O'Neil et al. only teaches fees of a fixed dollar amount. See col. 21, ll. 54-62. Further,

Goldhaber et al. also does not disclose or suggest the claimed fee schedule.

Accordingly, for at least these additional reasons, the rejection of claims 6, 18, 27, 36 and 104 should be withdrawn and the claims allowed.

V. Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

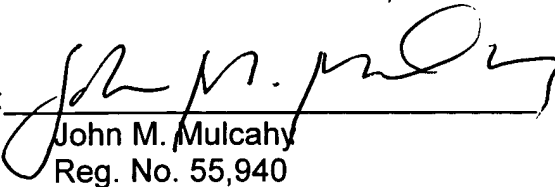
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 28, 2005

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